

ORDINANCE NO. 2 1956

AN ORDINANCE OF THE TOWNSHIP OF KISKIMINETAS, ARMSTRONG COUNTY, PENNSYLVANIA, PROHIBITING THE OPENING, CONSTRUCTION OR DEDICATION FOR PUBLIC USES OR TRAVEL OF ANY ROAD, STREET, LANE OR ALLEY, OR ANY DRAINAGE FACILITIES IN CONNECTION THEREWITH, EXCEPT IN ACCORDANCE WITH PLANS SUBMITTED AND APPROVED BY THE TOWNSHIP SUPERVISORS; PRESCRIBING THE METHOD OF PREPARING AND SUBMITTING SUCH PLANS AND THE KIND AND CHARACTER OF IMPROVEMENTS TO BE MADE; AND PENALTY FOR VIOLATIONS THEREOF.

The Township Supervisors of the Township of Kiskiminetas, under the authority of the Act of May 1, 1933, P.L. 103, Article XI, and its amendments, do enact and ordain:

Section I. That no person, partnership, association or corporation shall construct, open or dedicate any road, street, lane or alley, or any sewer or drainage facilities in connection therewith, for public use or travel in the Township of Kiskiminetas, without first submitting plans therefore to the Township Supervisors for their approval, and no road, street, lane or alley, nor sewer or drainage facilities in connection therewith shall be opened, laid-out or constructed except in strict accordance with plans approved by the Township Supervisors.

Section 2. Such plans shall show the courses, distances and profiles of such roads, streets, lanes or alleys, the course, structure and capacity or any drainage facilities, the method of drainage of the adjacent or contiguous territory and drainage profile of the streets and plan showing drainage of the whole property;

the size of the lots and any building restrictions; and any unusual conditions that exist, either as to grades, obstructions, streams, public utility facilities or further details as the Township Supervisors may require. All roads and streets shall be of a width of not less than forty feet, the cartway shall be not less than sixteen (16) feet, and all roads and streets, connecting with existing streets so as to form a continuation or extension thereof, shall be not less in width than such existing roads and streets. All roads and streets where possible shall connect with existing roads and streets, or proposed roads and streets, so as to form as near as possible through roads and streets, and a harmonious and systematic development of the Township. The names of the roads and streets shall not conflict with the names of existing roads and streets, and all roads and streets shall be designated by the names of existing roads and streets with which they connect as extensions thereof.

Section 3. All such plans shall be filed with the Township Secretary at least thirty days prior to the regular meeting of the Township Supervisors, at which it is desired to seek approval thereof. Before acting upon any such plans, the Township Supervisors may, in their discretion, arrange for a public hearing, after giving such notice as they may deem desirable in such case.

Section 4. The Township Supervisors reserve the right to alter such plans, and to specify any changes or modifications of any kind which they may deem necessary with respect thereto, and to make their approval of such plans subject to any such alterations,

changes or modifications.

Section 5. Any and all plans when so approved shall be signed by the Supervisors, and shall be filed in the office of the Secretary of the Township, where the same shall be available to public inspection.

Section 6. The action of the Township Supervisors in approving any such plans, and such plans, shall be recorded by the person applying for such approval.

Section 7. All roads and streets shown on the said plan shall be improved in accordance with the plans and specifications prescribed by the Township Supervisors.

Section 8. All sewers, sewer laterals, and sewer connections shall be laid on all improved streets before paving where connection with the Township sewers is practicable, and shall be required by the Township Supervisors, and all gas and water mains and all service connections shall be laid before the paving of the streets where water and gas is available, and all other mains, pipes and conduits and the like shall be installed before paving of the cartway where it is proposed to install any such service mains in the streets.

Section 9. All applications for the approval of such plans shall be in writing on a blank form to be furnished for that purpose, by the Township Supervisors, and signed by the owners of the property, which must be filed with the Secretary of the Township,

setting forth in detail the character of the improvements to be made on the property shown on the said plan, in accordance with the provisions of this ordinance, and in such application the applicant shall agree to open, lay out and improve the roads, streets, lanes or alleys, and to construct all of the improvements, including sewers and drainage facilities upon the property, shown on the plan, within the time or times therein specified, and agree to enter into a contract in writing prepared by the Township Solicitor, to install, erect and construct the said improvements. In addition, the applicant shall furnish a certificate of a reputable title insurance company, or Attorney at Law, satisfactory to Township Supervisors, which, as of the date of approval, shall set forth the name or names of the owner or owners of all property covered by such plans and shall show and shall contain a list of all mortgages, judgments, liens, easements, contracts and agreements of record in the office of the Recorder of Deeds in and for Armstrong County, Pennsylvania, which shall affect the property covered by such plans. If said certificates of title insurance company or Attorney at Law shall disclose that any such property shall be subject to any mortgage, judgment, easement, lien, contract or agreement, or other matters of record, then at the option of the Township Supervisors, the holders or owners of such mortgages, judgments, liens, easements, contracts or agreements shall be required to join in and approve said application before the same shall be acted upon by the Township Supervisors. The applicant shall furnish a bond in such amount, under such conditions, and form, and with surety as shall be approved by the Township Super-

visors, to guarantee the performance of the said contract and to secure the completion of the said improvements within the times therein specified. In lieu of a bond, the applicant may deposit cash to guarantee performance of said contract and to secure completion of the improvements upon an escrow agreement to be prepared by the Township Solicitor and approved by the Township Supervisors. The escrow agent for the deposits of such cash shall be designated and selected by the Township Supervisors.

Section 10. All applicants shall bear all costs of inspection of such roads, streets, lanes or alleys, and shall deposit with the Township Treasurer such sum, as the Township Supervisors shall determine, to guarantee payment of such costs; and applicant shall deposit a filing fee of Thirty-five dollars (\$35.00) when application is filed, or such sum as the Supervisors shall by Resolution decide.

Section 11. No action by the Township Supervisors shall be construed to require the Township to accept dedication of any road, street, lane or alley.

Section 12. Any person, copartnership or corporation who or which shall construct, open or dedicate any road, street, lane or alley, or any drainage facilities in connection therewith, for public use or travel in Kiskiminetas Township, without first having complied with all the provisions of this ordinance and of Sections 1140 to 1148 inclusive, of the Second Class Township Law, shall, as provided by law, be guilty of a misdemeanor, and, upon con-

viction thereof, such person or the members of such copartnership or the officers of such corporation, responsible for such violation, shall be sentenced to suffer imprisonment not exceeding two years, or pay a fine not exceeding one thousand dollars, or both, in the discretion of the court.

Section 13. If any section or part of a section of this ordinance shall be declared invalid, such invalidity shall not affect any other part of the ordinance. It is hereby declared to be the legislative intent that this ordinance would have been enacted had such invalid section or portion of a section not have been included herein.

Enacted and Ordained this 28th day of September, 1956.

THE TOWNSHIP OF KISKIMINETAS

By N B Beers

N P Martin

Ernest Baustert

Township Supervisors
of the Township of Kiskiminetas

ATTEST:

Ernest Baustert

Township Secretary

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 2 1956 of the Township of Kiskiminetas, County, of Armstrong, Pennsylvania, enacted on the 28th day of September, 1956, recorded in Ordinance Book, Vol. 1, page _____.

Ernest Baustert

Secretary